

REMARKS

Claims 21 and 23-40 are pending, with claims 10-20 having been cancelled in the present application and claims 32-40 being new. Antecedent basis for Claim 21 is found on page 7, lines 15-20 and page 10, lines 6-17. Antecedent basis for Claims 23 and 35 is found throughout the specification and specifically on page 10, line 18-27 and page 20, lines 8-11. No additional claims fee is believed to be due.

Drawings

Applicants wish to thank the Examiner for accepting the revised drawings, along with Applicants' amendment to the Specification.

Rejection Under 35 USC 103

The Examiner has finally rejected Claims 21 and 23-31 35 USC 103(a) as being unpatentable over Srinivasan, et al. (U.S. Patent No. 5,830,555) in view of Shimalla (U.S. Patent No. 4,588,630) and Abuto, et al. (U.S. Patent No. 5,804,021).

Claim 21, as amended, now requires that the laminate web be non-apertured and also that the first and second webs, which are the outer layers, be non-apertured. As the Examiner states in the office action, "Srinivasan et al., Shimalla, and Abuto et al. all disclose laminate webs having distinct regions differentiated by basis weight and density because all disclose apertures in the web...". Applicants assert that Srinivasan et al. states in the abstract and throughout the specification that the nonwoven fabric is apertured and specifically that it has apertures through the nonwoven fabric. Abuto et al. discloses that at least one of the facing layers, which correspond to the outer layer (first and second layers) in the present application, contains a plurality of slits which will form apertures. Applicants also assert that Shimalla discloses an apertured nonwoven fabric. Applicants assert that none of the cited art teach or suggest to one having ordinary skill in the art to form a non-apertured laminate web of three materials in which the center layer is the only layer apertured.

Applicants also want to reference new Claim 39 which states that the distinct region is defined by either fiber orientation or thickness. Applicants assert that none of the cited reference disclose fiber orientation or thickness variations in the webs. Applicants also reference new Claim 40 which states that the third material is not a thermoplastic material.

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Independent claims 23 and 35, and all corresponding dependent claims, require that the third material is a non-thermoplastic material. Applicants assert that this overcomes all 35 USC 103 rejections as none of the cited referenced disclose a non-thermoplastic material in the middle layer in a composite. The prior art fails to teach or suggest a composite comprising outer layers which are thermally bonded to each other, at bond sites, through the middle layers, wherein the middle layer is not a thermoplastic material.

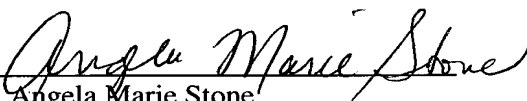
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 103. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 21 and 23-40.

Respectfully submitted,

John J. Curro, et al.

By 
Angela Marie Stone
Attorney for Applicants
Registration No. 41,335
(513) 634-9397

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